REMARKS

Claims 1, 2, 4-7, 9-12 and 14-20 are pending in the present application. Claims 1, 4-7 and 14-17 are herein amended. Claim 3 is herein cancelled. Applicant gratefully acknowledges that claim 15 recites allowable subject matter.

Claim Rejections

Claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 18 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by **Pucci** (U.S. Patent 5,459,436; listed in the Information Disclosure Statement filed April 15, 2005); claims 2 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Pucci** in view of **Gillig** (U.S. Patent 5,856,766); claims 4, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Pucci** in view of **Wojewoda** (U.S. Patent 5,731,742); claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Pucci** in view of **Cole** (U.S. Patent 5,994,970); claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Pucci** in view of **Shibuya** (U.S. Patent 6,292,066); Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over **Pucci**.

Favorable reconsideration is requested.

Claim 1 has been amended to include the limitations of claim 3 with some modifications. The only substantive change to the claim 3 limitation added to claim 1 is that the limitation "a predetermined capacitance value" was changed to "a predetermined constant capacitance value independent of the temperature."

Pucci discloses a temperature compensated crystal oscillator having a disable function. The oscillator comprises an oscillator circuit 12 and a temperature measurement and compensation circuit 18 for measuring the temperature in proximity to the crystal and for applying a control signal to the crystal oscillator circuit 12 to change the oscillator output frequency. The oscillator also comprises a timing generator 20 for sequencing events, a disable/enable circuit 30, and an interface 40 for actuating the disable/enable circuit 30.

The interface 40 provides automatic or manual control of the disable/enable circuit 30. When the disable/enable circuit 30 sends a disable signal, the operation of the timing generator is inhibited such that no further temperature monitoring or updating occurs. (Col. 2, line 65 to col. 3, line 1.) When the operation of the timing generator is disabled, the compensation signal corresponding to the last monitored temperature prior to activation of the disable signal is continuously applied to the compensation circuitry. (Col. 3, lines 2-6.)

The Office Action takes the position that the interface 40, disable/enable circuit 30 and timing generator 20 combine to correspond with the "selection circuit" as recited in claim 1. (Office Action, page 3.)

Applicants respectfully submit that Pucci does not disclose

> said selection means has a selection circuit for ... fixing the capacitance value of said oscillation capacitor to a predetermined constant capacitance value independent of the temperature when disabling said temperature compensation function

as recited in amended claim 1.

Pucci discloses that the compensation signal is a correction voltage which is applied to varactors. (Col. 3, lines 55-60.) Varactors have capacitance reactances that change in response to the correction voltage. (Col. 3, lines 60-64.) The changes in the varactors change the capacitive load applied to the crystal. (Col. 3, lines 64-67.)

Pucci discloses that when the temperature compensation is put in the disabled state, the compensation signal corresponding to the last monitored temperature prior to activation of the disable signal is continuously applied to the compensation circuitry. (Col. 3, lines 2-6.) The compensation signal sent to the oscillation circuit is based solely on the value of the last signal before going into the disabled state. When temperature compensation is disabled, the correction voltage and the capacitive load applied to the crystal are fixed based on the last values just before temperature compensation was disabled. Thus, the values of the correction voltage and capacitive load cannot be "predetermined" as recited in claim 1.

The Office Action takes the position that fixed values of correction voltage and capacitive load based on last values just before temperature compensation was disabled corresponds with "fixing the capacitance value of said oscillation capacitor to a predetermined capacitance value." (Office Action, page 3.) The basis for the Office Action's assertion is that a known capacitance is created based on a "predetermined compensation value." However, Pucci discloses that the compensation value is based on the temperature in proximity to the crystal. (Col. 2, lines 36-42; col. 4, lines 10-13.) Thus, Pucci does not disclose that, when disabled, the compensation value is

"predetermined." Since the compensation value is not predetermined, the capacitance value cannot be "predetermined" as recited in claim 1.

Moreover, Pucci discloses that when the temperature compensation is put in the disabled state, the compensation signal corresponds to the last monitored temperature. (Col. 3, lines 2-6, emphasis added.) When compensation is disabled, the compensation signal, which sets the correction voltage and the capacitive load applied to the crystal, depends on the last monitored temperature. Thus, the capacitive load is not "independent of temperature when disabling" as recited in claim 1.

Therefore, Pucci does not disclose the elements as recited in claim 1.

For at least the foregoing reasons claim 1 is patentable over the cited references, and claims 2, 4-7, 9-12 and 14-20 are patentable by virtue of their dependence from claim 1.

Accordingly, withdrawal of the rejections of claims 1, 2, 4-7, 9-12, 14 and 16-20 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

Amendment
Application No. 10/501,774
Attorney Docket No. 042593

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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